

1 c. To the extent that you provide documents responsive to these requests your
2 response should identify which document(s) are responsive to which request(s). To the extent
3 that you provide more than one document in response to a single request you should distinguish
4 between and identify each separate responsive document.

5 d. Unless otherwise indicated, these discovery requests refer to the times, places and
6 circumstances of the allegations in the Complaint.

7 e. Where these requests ask for your knowledge or information on a subject, this
8 request includes knowledge and information held by your agent, representatives and, unless
9 privileged, your attorney. If you contend that a particular piece of information is privileged then
10 please state the basis for each claim of privilege.

11 f. The singular of any word or phrase used in these requests includes the plural.

12 g. The following definitions shall apply herein:

13 (1) The term "document" refers to any and all types of recorded information including
14 but not limited to typewritten or handwritten papers, images, messages, emails, recordings,
15 contracts, agreements, and any other form or manifestation of words, numbers and data.

16 (2) As used herein, the term "person" shall include natural persons, proprietorships,
17 corporations, public corporations, municipal corporations, state governments, local governments,
18 governmental agencies, political subsidiaries, partnerships, groups, associations, or
19 organizations.

20 (3) As used herein, the terms "you" and "your" and "Defendant" shall refer to the
21 Defendant to whom these requests are addressed, and all agents, representatives, employees and

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1 persons acting directly or indirectly for or on behalf of the party to whom these discovery
2 requests have been directed.

3 (5) As used herein, the term “relate” or “relates” means discussing, mentioning,
4 addressing, referring to, analyzing, comprising, underlying, memorializing, describing, or
5 showing the subject indicated.

6 (6) As used herein, the terms “and” as well as “or” shall be construed either disjunctively
7 or conjunctively as necessary to bring within the scope of these requests any information which
8 might otherwise be construed to be outside its scope.

9 (7) As used herein, the terms “Personal Identity Information” or “PII” mean and refer to
10 information concerning an individual that can be used to identify that same individual, including
11 but not limited to name, address, address history, aliases or “aka” information, past cities of
12 domicile, phone number, email address, relatives, associates, age, and/or age range.

13 (8) As used herein, the term “Relevant Time Period” means the period from June 25,
14 2018 through the present. Unless otherwise indicated, all the discovery requests herein shall be
15 for the Relevant Time Period.

16 (9) As used herein, the term “Website” refers to your website, instantcheckmate.com.

17 INTERROGATORIES

18 Plaintiffs, pursuant to Fed. R. Civ. P. 33, hereby request that the Defendant answer each
19 interrogatory set forth below, separately and fully in writing under oath.

20 **1.** Identify all persons who provided the information used to answer the
21 interrogatories and requests for production listed herein.

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1 **2.** Identify all persons, apart from your attorneys, who provided the information
2 used to draft your Answer to Plaintiffs' Complaint.

3 **3.** Identify every person that you contracted with during the Relevant Time Period to
4 collect or obtain PII for use on your Website.

5 **4.** Identify which person(s) you contracted with to obtain Plaintiffs' mobile
6 telephone number(s).

7 **5.** Describe the process by which the Website determines someone's "possible
8 relatives" as that term is shown in Paragraph 10 of the Complaint.

9 **6.** Apart from the Terms of Use that govern the use of your website, do you maintain
10 that you received any consent from any Illinois resident to advertise the availability of their
11 background report on your website? If yes, identify all such forms of consent.

12 **7.** Describe what PII is available for free to users of your Website and what
13 additional PII is available for pay.

14 **8.** Describe the service available on your website known as "Report Watcher" and
15 include in your description who the service is available to and at what cost.

16 **9.** Identify how many employees you have and describe how your business is
17 organized by department.

18 **10.** Explain and describe for what purpose PII is featured and used on your Website.

19 **11.** Identify your gross revenue for each calendar year from 2017 to the present.

20 **12.** Explain and describe how you earned profits from operating your Website during
21 the Relevant Time Period.

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REQUESTS FOR PRODUCTION OF DOCUMENTS

Plaintiffs, pursuant to Fed. R. Civ. P. 34, hereby request that the items described below be produced to undersigned counsel and further asks that Defendant serve a written response to these Requests for Production. Please produce all documents including, related to or referencing the following;

- 1.** All documents identified in any answer to Plaintiffs' interrogatories.
- 2.** All documents considered or relied on in answering Plaintiffs' interrogatories.
- 3.** Any expert or consulting reports prepared for you or on your behalf relating to any of the matters alleged in the Complaint.
- 4.** All documents used, considered, or relied upon in your Answer to Plaintiffs' Complaint.
- 5.** A copy of the Terms of Use that govern the use of your Website, including any previous versions of those Terms of Use that have existed during the Relevant Time Period.
- 6.** A copy of the Limited License for Services applicable to your Website, including any previous versions of that Limited License for Services that has existed during the Relevant Time Period.
- 7.** A copy of the Privacy Policy applicable to your Website, including any previous versions of that Privacy Policy that has existed during the Relevant Time Period.
- 8.** Privacy Policy that has existed during the Relevant Time Period.
- 9.** A copy of any other terms or documents which you maintain govern the use of your website or the accessing of any products or services available therein.

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1 **10.** Copies of webpages from your Website sufficient to illustrate the background
2 report search interface.

3 **11.** Copies of webpages from your Website sufficient to illustrate the background
4 report search result interface.

5 **12.** A copy of the background report of Plaintiff Stephanie Lukis.

6 **13.** A copy of the background report of Plaintiff Robert Fischer.

Respectfully submitted,

/s/ Roberto Luis Costales

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the above and foregoing pleading has been served on all
counsel of record this 31st day of July, 2020 via electronic transmission.

/s/ Roberto Luis Costales

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